THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

MEDGRAPH, INC., Plaintiff, v. MEDTRONIC, INC., Defendant.	6:09-cv-06610-DGL-MWP

STIPULATION OF VOLUNTARY DISMISSAL WITH PREJUDICE

Plaintiff Medgraph, Inc. ("Plaintiff") and defendant Medtronic, Inc. ("Defendant"), by and through their respective counsel of record, hereby stipulate as follows:

WHEREAS, on December 2, 2009, Plaintiff filed this patent infringement action against Defendant;

WHEREAS, on June 29, 2015, the Court granted Defendant's motion for summary judgment of non-infringement (Dkt. 159), and, on July 2, 2015, entered judgment in Defendant's favor (Dkt. 161);

WHEREAS, Plaintiff appealed the Court's judgment in favor of Defendant to the United States Court of Appeals for the Federal Circuit (the "Federal Circuit"), and the Federal Circuit affirmed the judgment of non-infringement;

WHEREAS, Defendant filed a Bill of Costs on August 3, 2015 (Dkt. 164), which is currently pending pursuant to the Court's September 1, 2015 Order (Dkt. 167);

WHEREAS, the parties desire to fully and finally resolve this litigation without further expenditure of time and expense, and therefore believe that this action should be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii); and

WHEREAS, Plaintiff and Defendant agree that all parties will bear their own fees and costs incurred in connection with this litigation;

NOW, THEREFORE, the parties stipulate and agree as follows:

1. The above-captioned action shall be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii); and

2. Plaintiff and Defendant will bear their own fees and costs.

SO STIPULATED

Dated: January 10, 2017

By: /s/ Darius Keyhani
Darius Keyhani

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